

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WILLIAM SCALES,

Plaintiff,

-V-

HOTEL TRADES COUNCIL OF NEW YORK,
LOCAL 6,

Defendant.

21 Civ. 8142 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

In an Opinion and Order dated February 6, 2023, the Court dismissed Plaintiff William Scales's Second Amended Complaint, granted leave to amend by March 8, 2023, and informed Scales that if he failed to amend by that deadline, the case would be dismissed. Dkt. 76. On February 7, 2023, Scales filed a letter with the Court regarding his case, expressing his desire to increase his claimed damages, discussing the conduct of Defendant's counsel, and taking issue with Defendant's efforts to resolve this litigation. Dkt. 77. This letter was clearly not an amended complaint, even construed liberally on the basis of Scales's *pro se* status, and so on April 3, 2023 the Court dismissed this case with prejudice and directed the Clerk of Court to enter judgment. Dkt. 79.


On April 5, 2023, Scales filed two new letters with the Court. The first stated that his February 7, 2023 letter was “actually [his] amended complaint,” Dkt. 81, and attached an altered version of that letter which included “Amended Complaint” as a heading, Dkt. 81-1. The second letter informed the Court that “a lawsuit has been filed against The United States District Court Southern District of New York,” stated that Scales “did make the March deadline to submit an amended complaint,” and requested “additional time to amend [the] complaint again in order to

briefly describe the specific reasons for the case.” Dkt. 82.

Scales has not altered the Court’s determination that the February 7, 2023 letter was not an amended complaint when filed, but mindful of Scales’s *pro se* status and the fact that the Second Circuit has stated that even frivolous complaints should not be dismissed *sua sponte* without notice and an opportunity to be heard, *see Nwoye v. Obama*, No. 22-1253, 2023 WL 382950, at *1-2 (2d Cir. Jan. 25, 2023), the Court will allow Scales to file a letter by April 18, 2023 explaining why the February 7, 2023 letter should be considered an amended complaint, given that as Scales appears to acknowledge it did not “briefly describe the specific reasons for the case,” and how that document remedied the pleading deficiencies previously identified by the Court in the February 6, 2023 Opinion and Order.

SO ORDERED.

Dated: April 11, 2023
New York, New York



JOHN P. CRONAN
United States District Judge